

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

DONALD ALLEN, JAVIER BAUTISTA, ADAM D. CREWS,	§	CIVIL ACTION
SR., ODELL GODFREY, JEROME JOHNSON, MARK S.	§	NO. _____
LAFLEUR, STEPHEN TANKERSLY, ROBERT L. SMITH,	§	
DUSTIN SNELL, MICHAEL SPEARS, DONALD	§	JURY TRIAL
WOODARD	§	DEMANDED

Plaintiffs

V.

COIL TUBING SERVICES, L.L.C.

Defendant

PLAINTIFFS' ORIGINAL COMPLAINT

Plaintiffs, for themselves and those similarly situated, now file this Complaint against Defendant COIL TUBING SERVICES, L.L.C. ("Coil Tubing" and/or "Defendant"), and for cause of action would show as follows:

1. This is an action for unpaid wages and overtime that is owed pursuant to the Fair Labor Standards Act and the Texas Labor Code. Plaintiffs bring this case on their own behalf, and as a collective action with respect to similarly situated Coil Tubing employees who also have been denied hourly and overtime wages.

2. Plaintiffs demand a jury on all issues triable to a jury.

PARTIES

3. At all times material hereto, each and every Plaintiff was employed by Coil Tubing Service, L.L.C. as a service technician.

4. Defendant Coil Tubing is a corporation that does business within the State of Texas and is engaged in the business enterprise of servicing and maintenance of well work operations. Coil Tubing is an "employer", as that term is defined in the Fair Labor Standards

Act. Coil Tubing is obliged to comply with the Fair Labor Standards Act, including its minimum and overtime wage requirements for non-exempt employees.

JURISDICTION

5. This Court has subject matter jurisdiction over this case pursuant to 28 U.S.C. § 1331. This case arises under the laws of the United States of America.

6. The Court has personal jurisdiction over Coil Tubing since it employed Plaintiffs within Texas. Therefore, Coil Tubing has sufficient contacts with the State of Texas to establish general jurisdiction over it.

7. Venue is proper in the Southern District of Texas, under 28 U.S.C. § 1391(b), since all of the events or omissions giving rise to the claims asserted herein occurred within the Southern District of Texas.

COUNT ONE: VIOLATION OF THE FLSA

8. During the period from November 1, 2005 through present, Coil Tubing employed Plaintiffs in the aforesaid enterprise and willfully failed pay them wages and overtime compensation for periods of time which they suffered and permitted the Plaintiffs to work, including, but not limited to, periods of time required for employment duties which include, but are not limited to, the servicing and maintenance of well work operations and related duties for Defendant's business enterprise contrary to the requirement of Section 6 of the FLSA, 29 USC § 206. Coil Tubing made such uncompensated work a part of its policy and/or practice with respect to Plaintiffs.

9. During the period from November 1, 2005 through present, Coil Tubing willfully employed Plaintiffs in the aforesaid enterprise for workweeks longer than forty (40) hours and failed to compensate them for their employment in excess of forty (40) hours per week at a rate

of at least one-and-one-half (1 ½) times the regular rate at which they were employed, contrary to the requirements of Section 7 of FLSA, 29 USC § 207. This policy and/or practice has affected scores of Coil Tubing employees since November 1, 2005.

THIS IS A COLLECTIVE ACTION

10. Plaintiffs bring this suit on their own behalf and on behalf of all similarly situated service technicians employed by Coil Tubing. This is a collective action pursuant to 29 U.S.C. § 216(b).

11. Each and every allegation contained in the foregoing paragraphs are realleged as if fully stated herein.

12. Coil Tubing's policy and/or practice, as set forth herein, reflect repeated, widespread violations of the Fair Labor Standards Act. Such violations are willful.

13. Moreover, Coil Tubing has failed to comply with the Fair Labor Standards Act's requirement that it keep accurate records of the actual hours worked by its employees.

14. Plaintiffs and the similarly situated Coil Tubing service technicians have been damaged as a result of Coil Tubing's conduct.

15. They are entitled to recovery of all unpaid wages and overtime wages, plus an award of liquidated damages in an amount equal to the unpaid wages and overtime wages. The Court should also enter an appropriate injunction requiring Coil Tubing to keep accurate records in the future, and to post statutorily required notices.

ATTORNEY'S FEES

16. Plaintiffs also plead for recovery of attorney's fees and costs associated with bringing this action.

RELIEF REQUESTED

17. Plaintiffs pray for the following relief:

a. enter judgment for the Plaintiffs and against Coil Tubing Services, L.L.C. on the basis of Coil Tubing Service, L.L.C.'s willful violations of the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.*;

b. all unpaid wages owed to Plaintiffs and to all similarly situated Coil Tubing Service, L.L.C. employees who make an affirmative election, in writing, to participate in this matter;

c. as liquidated damages, an amount equal to those unpaid wages;

d. all unpaid overtime wages owed to Plaintiffs and to all similarly-situated Coil Tubing Service, L.L.C. service technicians who make an affirmative election, in writing, to participate in this matter;

e. injunctive relief necessary to prevent future violations of the Act's requirement that accurate records be kept and notices be posted;

f. reasonable attorney's fees;

g. taxable court costs and expert witness fees;

h. pre-judgment and post-judgment interest as allowed by law; and

i. for such other and further relief to which Plaintiffs may be justly entitled.

Respectfully submitted,

By: /s/ Clark Woodson III

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